



**Eddie Baza Calvo**  
Governor of Guåhan

**Ray Tenorio**  
Lieutenant Governor of Guåhan

**Commission Members**

**David J. Matanane**  
Chairman

**Joseph I. Cruz**  
Vice-Chairman

**Amanda L.G. Santos**  
Commissioner

**Pascual V.A. Sablan**  
Commissioner

**(Vacant)**  
Commissioner

**Michael J.B. Borja**  
Administrative Director

# **Chamorro Land Trust Commission**

## **(Kumision Inangokkon Tano' Chamoru)**

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 435 Fax: 649-5383

### **REGULAR BOARD MEETING AGENDA**

Department of Land Management Conference Room  
3<sup>rd</sup> Floor, ITC Building, Tamuning  
Thursday, July 16, 2015; 1pm

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF MINUTES**
  1. June 18, 2015
- IV. **PUBLIC COMMENTS**
- V. **OLD BUSINESS**
  1. Decha Farms/James Adkins Land Transfer
- VI. **NEW BUSINESS**
  1. Gordon Ibanez and Vincent Ibanez – Removal of soil
  2. Jose Navaro Bautista – Application status
  3. James and Lyann Iglesias – Application status
- VII. **DIRECTOR'S REPORT**
  1. Revenue collection report for the month of June 2015
- VIII. **EXECUTIVE SESSION**
- IX. **ADJOURNMENT**



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### COMMISSION MEETING MINUTES

#### Department of Land Management Conference Room

#### 3<sup>rd</sup> Flr., ITC Building, Tamuning

#### Thursday, July 16, 2015; 1:05pm – 2:40pm

#### **I. CALL TO ORDER**

Meeting was called to order at 1:05pm by Acting Chairman David Matanane.

#### **II. ROLL CALL**

Present were Acting Chairman David Matanane, Vice-Chairman Joseph Cruz, Commissioner Amanda Santos, Commissioner Pascual Sablan, Legal Counsel Kristan Finney and Administrative Director Michael Borja.

#### **III. APPROVAL OF MINUTES (June 18, 2015)**

Acting Chairman David Matanane requested for information such as name of the occupant, if they have documents to be on the property and if it's still Chamorro Land Trust property relative to the area where Francisco Flores was given as discussed under Public Comments. If there is no proper documentation for the occupants to be on the property then the Commission would need to address it.

**Commissioner Amanda Santos moved to approve the minutes of June 18, 2015 subject to corrections. Commissioner Pascual Sablan seconded the motion. There were no objections, MOTION PASSED.**

#### **IV. PUBLIC COMMENTS**

**1. Franklin Cing** – My name is Franklin Cing. I claimed Lot 5402 up in Mangilao, Latte Heights area. My concern is my neighbors some with multiple buildings and there's some drug dealings within the neighbor also. I believe two weeks ago one was arrested for selling drugs. I bring this because it affects me as a neighbor and I've been arrested and put in jail because of them. I just recently arrived on Guam I'm a retired disabled veteran and they intruded into my area, vandalized my car.

**Acting Chairman David Matanane** – Can you clarify whereabouts in Mangilao?

**Franklin Cing** – Latte Heights area Lot 5402. I claim a portion of that lot 5402, right along the highway.

**Acting Chairman David Matanane** – Just along the highway not in the (didn't finish).

**Franklin Cing** – Yes sir it's just along the highway.

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**Margarita Borja (DLM)** – Across Adacao School.

**Acting Chairman David Matanane** – Where are you from the store and where are you from a landmark?

**Franklin Cing** – From Adacao School if you drive up towards the back road to Anderson about 200 yards up from it.

**Acting Chairman David Matanane** – Where are you from the Jacksons?

**Franklin Cing** – Before that but it's on the right side.

**Acting Chairman David Matanane** – I think I know where it is. I'm sorry to interrupt but I want to get the GPS system there.

**Franklin Cing** – Anyway when I made the claim I started cleaning the whole area up you know and landscaping it and making it look presentable. I found that I can't see back because they use it as a driveway, they use it for their parking lot and I spent like \$200 a month trying to clean everything up because I pay people to do that. So they're angered with those things. I told them please stop using it as a parking lot or a drive way. So the more I ask them that the more they park and the more they drive throughout the day. One evening they went over to my place and vandalized my car and the neighbors called me I came out to see what's going on. I noticed that all my tires are flat so I confronted them. They started cussing at me you know we're going to fucking kill you and then they threw a beer can at me and they punched me on the chest. So I took a machete to defend myself because there's like eight people there and they ran and called the police. I was arrested because I'm the one with the weapon. They claim that the property belongs to them so the police didn't believe what I was saying because it was my word against them. One of the people that attacked me is a police officer, one is a professional kick boxer that goes on TV. So later I was able to provide the map the survey map of the property because it's already been surveyed and the letter that came from Land Trust that I am the person that's leasing this property here. I'm just waiting for the lease to come out. So I was released and I have a court date to go to. But the people that attacked me are not lessors or homeowners there. They're just living there and I'm wondering why am I being kicked out of my house by the court to be away from those people that are not homeowners there. The Attorney General believed their statement that they own the land and she made a comment that that was a compound and my Attorney said no it's not a compound I have the lease for 99 years for that property. I have the documents right here. But they're involved in drugs and that was part of my arguments with them is I don't want them in my area because they're minors and they invite a lot of high school students and they use my property for their drug session. They even use the house that belongs to my mother as their drug session. They vandalized that house. If you walk in right now you will find all the graffiti. I did not paint them so if somebody wants to prove it it's all in there. It has their name on it. So I told them to keep out of that area and I became their enemy and so they'll come in and you know they'll do a lot of things to me.

**Acting Chairman David Matanane** – You haven't called the police on that on those incidents?

**Franklin Cing** – Yes the police came in to my house, no search warrant, no arrest warrant, they handcuffed me and took me away. I told them this is my property I lease this from the Land Trust for 99 years. They said no according to them it belongs to them. So that's the story about that. So we have multiple buildings on her property over there and we argued about that too I said you know from what I heard from the neighbors you can only build one structure on this Land Trust property and you got three of them there. So I'm just curious I want to know because you know if are we allowed to do that or are we not allowed to that. So we got into arguments about that too.

**Acting Chairman David Matanane** – So you have reported it to the police with all the incidents that happened to you.

**Franklin Cing** – Yes sir.

**Acting Chairman David Matanane** – You got police (interrupted).

**Franklin Cing** – That's already been in court because one of the complainants robbed my house prior to that incident and we (interrupted).

**Acting Chairman David Matanane** – And this is the first time you came to Chamorro Land Trust to inform us about that?

**Franklin Cing** – Yes I just recently got all the documents to have it surveyed. I didn't think that I had any legitimate claim to come and complain about that so.

**Acting Chairman David Matanane** – You know the person that is (interrupted).

**Franklin Cing** – Oh yes sir they live right there on that land. There's a whole bunch of people living there.

**Acting Chairman David Matanane** – But you actually know who's the person.

**Franklin Cing** – I believe on the far side of that they're also renting out to other people. That's 540 I think I believe I heard you mentioning something about that so. So I'm constantly harassed by them. The entire neighborhood don't even like them either because their activity with drugs and everything.

**Acting Chairman David Matanane** – You know Mr. Cing we can't do anything concerning your incidents but we can try and find out if those people are legitimate there. And like you said there's violations for building so many structures there which is not according to Chamorro Land Trust right. So I would suggest that you see Mr. Borja and find out and

we'll get our things together if we know that is it private property or is it Chamorro Land Trust that's (interrupted).

**Franklin Cing** – Its Chamorro Land Trust property.

**Acting Chairman David Matanane** – Okay but you need to verify that. Can you maybe write a statement bring it in so we would have it on record that you have reported to us and as far as somebody coming in to your place and doing anything in there it's the police and your problem right. I'm sorry for that but we can't just do something that we're not allowed to do also.

**Franklin Cing** – Yes sir I understand.

**Acting Chairman David Matanane** – So if you can put it in writing or you can come in and we'll take your complaint and then we'll look it up and make sure that we are not also trying to violate anybody's right over there on Chamorro Land Trust. According to what your statement that you stated is that there are so many structures and you understood that there's only one structure so that could be also a thing that we can take action on. As far as other incidents that happened your car or whatever if you come in please do report every time there's an incident you have to report it so we could have a record of it.

**Franklin Cing** – Yeah they even tore down all my no trespassing sign they just threw it all over the place. My last concern sir is I'm disabled, my wife is disabled they're going to be arriving pretty soon here with my children and we don't have electricity, we don't have water and I can't have any of those until I get the lease. The property is already surveyed and the map has been submitted already but it will be a big comfort for us with our disability if we can have water and electricity.

**Acting Chairman David Matanane** – You're staying there on the property already?

**Franklin Cing** – Yes sir there's a house there it used to be my mother that was living there. When she passed away I took over. I built the house for her.

**Acting Chairman David Matanane** – Are we properly designating you as the recipient from your mother? Is it on record?

**Franklin Cing** – Yes sir I got all the claims and (interrupted).

**Acting Chairman David Matanane** – Okay so those things you can settle with the Administrative Director and I don't see why you can't have the lease if you're already occupying the property and there's available areas there where the power and water can go in.

**Franklin Cing** – Yes sir there used to be a water meter and they just disconnected the meter that's all.

**Acting Chairman David Matanane** – Is there someone that didn't pay their water?

**Administrative Director Michael Borja** – Well what we have is Guam Waterworks is being more sensitive and more strict about the connections. What's required to obtain a lease is to have a survey and so I don't know what's the status of the survey is or where it's at. But once he gets the lease that's what Waterworks wants to know too before we can give them the authorization so we'll work on expediting that because if the survey map is already completed and we're just waiting for final approval I think we can go on that. But we have to finish off the lease okay because Waterworks is requesting that you know they want they can see the lease and the map. But they actually need to see a, have a true sketch and approved map so they know where it's at not just something that's hand drawn.

**Franklin Cing** – I have a copy of the survey that was done already and it's already been submitted in.

**Administrative Director Michael Borja** – It's approved I mean it's all signed?

**Franklin Cing** – Not yet sir I think its pending approval now, with this name FY125.

**Administrative Director Michael Borja** – Okay it has a map number alright so we'll work on that one.

**Margarita Borja (DLM)** – Just for the record I just want the Board to know that we did do an inspection on his concerns and we found that the individuals that he's naming or hasn't named yet are lessees. They do have a lease for residential.

**Acting Chairman David Matanane** – But not his name right not under his name.

**Margarita Borja (DLM)** – For him not yet he's pending a map.

**Acting Chairman David Matanane** – So that's the reason why probably they took you out man because it was not part.

**Administrative Director Michael Borja** – Do they have a map?

**Margarita Borja (DLM)** – One has one, Dora Cing has one.

**Administrative Director Michael Borja** – No, no, no these other individuals.

**Margarita Borja (DLM)** – Yeah one of them has a map. They both have leases one has a map and the other one doesn't have a survey.

**Administrative Director Michael Borja** – So they don't even know where their lines are.

**Margarita Borja (DLM)** – Portion of yeah.

**Administrative Director Michael Borja** – Okay we need to work on that.

**Acting Chairman David Matanane** – I think a lot of problems will be solved with that particular item the survey.

**Margarita Borja (DLM)** – And there are three structures actually two structures originally on one of the individual that he's talking about. There were three structures, one was connected to the other when they went out there this week so basically they're down to two. So they were advised that they can only have one structure but we're going to go ahead and take the necessary steps in writing them a formal letter. Dora Cing Borja is the one that he mentioned there might be some rental going on. According to the findings there is no subleasing that is going on in there.

**Acting Chairman David Matanane** – That will be another matter okay. After that put it in the jacket the reports and all that so if we do receive another complaint then we can have that right away because we would have all documentation no leasing or anything all that. What we're concerned is the gentleman here who is trying to get his lease and he won't have to be handcuffed and thrown out of there because his name is not there that's what we're really trying to do. So I guess Mr. Cing if your name is on that lease you can always slap them that I'm supposed to be here not anybody else.

**Administrative Director Michael Borja** – But we need to conclude because he does not have a lease.

**Acting Chairman David Matanane** – Yes everything else has to be you know in conclusion with the survey and all that documentation and that will solve you a lot of problems.

**Franklin Cing** – Yes thank you.

**Acting Chairman David Matanane** – Thank you. See Mr. Borja or Ms. Margaret Borja to you know finish up with your (interrupted).

**Commissioner Amanda Santos** – And if the boys continue to bother him just call the police and make a report.

**Acting Chairman David Matanane** – Yes and if you have that documentation you won't have any much problems.

**Franklin Cing** – Oh I got a shot gun waiting for them.

**Acting Chairman David Matanane** – Thank you Mr. Cing.

## **V. OLD BUSINESS**

### **1. Decha Farms/James Adkins Land Transfer**

Item tabled.

## **VI. NEW BUSINESS**

### **1. Gordon Ibanez and Vincent Ibanez – Removal of soil**

**Administrative Director Michael Borja** – We spoke to Mr. Ibanez last month concerning the issue of the extraction of topsoil that was taken from a land the property that is leased jointly with Gordon A.D. Ibanez and Vincent A. Ibanez. Vincent is here and Gordon is not present because he resides off-island is that correct?

**Vincent Ibanez** – Yes he's off-island.

**Administrative Director Michael Borja** – What I presented to all of you and I've also provided to Mr. Ibanez is our staff report on the issue showing depicting pictures. If I can just go straight to the pictures and you can get a good clear idea before I go to the narrative of what we have here. I have an overall overhead map of the area with an arrow showing there's no date on the bottom but that kind of shows the area if you look on Google Earth. There is one dated December 30, 2014 you see where the arrow is at it's a clean set of land. If you go to the next one February 12 you can make out the beginnings of the land being cleared. March 6 you can definitely see a significant section that's been taken out cleared and taken away and then you just have a close up. It also includes photographs of the actual area you can see the depth in which this digging had occurred and pictures also show of the people that are living there who are not the lessee. And you can also see the jungle which was cleared out and in that jungle you have bags and bags of garbage. We had someone tell us that there was some activity going on over in the property that didn't look correct. So on April 24<sup>th</sup> of this year we conducted a site inspection. Deputy Director David Camacho, the Chief Surveyor and one of our land agents went on out and that's when we discovered that a significant amount of soil was taken. As we they were departing they encountered a vehicle coming in pulling a trailer and it was a construction vehicle pulling a trailer with ground up asphalt with most likely the intention of dumping it into the hole. The individuals that were on that property that stay on those facilities that are shown in the picture were waiving him off telling him to not say anything probably. On May 5<sup>th</sup> we did a site survey with the Survey Division to determine the exact amount of area that had been removed and we will have those details here shortly. We don't have them now but we will have them soon. We also did a significant check into what was going on and to find that certain individuals and companies were involved in transporting the soil out namely Smithbridge and Kian Corporation. In those we have actual invoices and contracts between parties to show that they were removing it and they were also working with Aiden Equipment and Mr. Eric Pangelinan who stated that he had paid Mr. Vince Ibanez for the removal of soil. What we find is that there have been a number of violations that has occurred in this whole process. Number one, it's an agricultural lot that is eight acres and we failed to see any use of the property to cultivate a farm and failure to plant any and maintain any trees. There should be at least twenty trees per acre that at eight acres should be a hundred and sixty trees. We don't see that. Failure to secure the premises from fire, theft and vandalism as a condition of the CLTC Act. Obviously there was some theft that went on theft of Government property by removal of the soil. Permitting persons not the immediate family to occupy and reside on the premises is in violation of the conditions of the CLTC Act. And in 7.2 of his lease it says the lessee shall conform to all

territorial zoning and building laws. There are no authorizations that we have found or any permits to extract any kind of minerals or to extract minerals or soil from the area nor were there anything from EPA for that kind of stuff that is required. What I don't list here as well is that property taxes are delinquent and that's a requirement of the law that they are obligated to pay the property taxes. My recommendation is that the Commissioners should consider that this is a prime example of an individual that has violated the terms of the lease and that in accordance with the law and with the rules and regulations that we have the authority to terminate the lease. But the individual also should be provided the privilege of having a hearing in accordance with the Administrative Adjudication Act and that the lease termination cannot take effect until after a hearing has been held if he so desires to have a hearing. I also want to note that we do have enough information to be able to then recommend and forward this information to the Attorney General for potential criminal prosecution. So I have here before us Mr. Vince Ibanez who is the individual listed on the lease and who is supposed to be using this land and in charge of this land. So I open it back up to the Commissioners if you want to speak with Mr. Ibanez on the matter.

**Acting Chairman David Matanane** – Where the no authorization or permit to extract material is EPA or any other regulatory departments that are willing to charge them?

**Administrative Director Michael Borja** – He doesn't have any permits from Public Works or anything.

**Acting Chairman David Matanane** – Who takes care of the authorization for extraction of materials, minerals, EPA?

**Administrative Director Michael Borja** – Right.

**Acting Chairman David Matanane** – Does EPA know or have they been aware that we are complaining about that?

**Administrative Director Michael Borja** – EPA does know that the soil has been taken.

**Acting Chairman David Matanane** – Are they imposing any penalties?

**Administrative Director Michael Borja** – Not at this time they're waiting for us to come to some conclusions but they're looking not just at this individual but potentially the people who are also hauling the soil.

**Acting Chairman David Matanane** – Because there is violation and are they saying that we have to make a complaint to them in order for them to go ahead and (interrupted).

**Administrative Director Michael Borja** – Well no I mean they won't do it based on our recommendation but they want to know where we're going to come from as well but yes we're working closely with the Guam EPA on this thing. But like I said we (interrupted).

**Acting Chairman David Matanane** – And any other agencies that you know he has violated.

**Vice-Chairman Joseph Cruz** – So there were no citations from EPA itself or from Public Works based on the excavation or the extraction.

**Administrative Director Michael Borja** – Not at this time no.

**Acting Chairman David Matanane** – So it's forthcoming probably.

**Administrative Director Michael Borja** – Most likely.

**Vice-Chairman Joseph Cruz** – Would that have an effect us terminating the lease and then issuing a citation?

**Administrative Director Michael Borja** – Not necessarily no I don't think so.

**Acting Chairman David Matanane** – That's where I'm coming from we don't want to terminate now until all the you know evidence and other regulatory has (interrupted).

**Administrative Director Michael Borja** – Well I don't believe you really need to have any of that we just show that there was not even, in order to remove this soil you know even if he was authorized he had to have these permits but the issue is it's a theft of property that we're more concerned with.

**Vice-Chairman Joseph Cruz** – Okay that citation that we're giving him now is under Section 75 of Title 21. EPA has their own mandated code, Public Works has their own code Chapter 66. Now those codes if they're not giving him a citation because of their requirement to get a permit for excavation or for clearing then Public Works should take an initial step of giving them a citation and EPA for extraction based on erosion, based on clearing for permit then we'll use their citation because they are the enforcement of these codes.

**Administrative Director Michael Borja** – Exactly but that's the least of my concerns I mean that's really not what the full basis of this is that he didn't obtain the right permits to remove soil he wasn't (interrupted).

**Vice-Chairman Joseph Cruz** – But that will enhance our citation to him or our case citing him because right now you're coming in with an inspection that was done. Did we calculate the total cubic yards?

**Administrative Director Michael Borja** – We have calculated I don't have it yet. We have all these kinds of details that we haven't provided here yet but we do have and statements from others that we will use as far as making criminal charges.

**Acting Chairman David Matanane** – So we know how much cubic yards have been taken out of the soil. I think that we need our attorney to get into action and probably try to get that money back or pay us. Of course Smithbridge purchased it I wanted to deviate from that but it looks like we're going to have to do this. We got the invoices from Smithbridge as to how much soil was taken out how much they purchased it. All we want is you know for them to reimburse us or pay us back the amount that (interrupted).

**Administrative Director Michael Borja** – Well we can go ahead and seek those I mean what we reconciled is that the amount that was invoiced out doesn't equal the amount that we believe was taken so they may not have, these two legitimate agencies or companies may not have removed been responsible for removing (interrupted).

**Vice-Chairman Joseph Cruz** – Yeah but it's a part of a part of.

**Administrative Director Michael Borja** – That's a whole separate matter that we're going to go ahead and pursue. My concern here is that we do have violations of the lease and that obtaining those other issues would be more appropriate if we go to pursue criminal charges and refer it to the Attorney General's Office. But we have enough already to show that he has been in violation of other provisions of his lease and that the process here today is you know to recommend termination and then we go for the appeal process and offer him the opportunity the right to a hearing in accordance with the Triple A process.

**Acting Chairman David Matanane** – What I'm worried is okay if we do terminate I guess Ms. Kristan if we do terminate does our claim when he comes later does it, it's moot or after the fact?

**Legal Counsel Kristan Finney** – No.

**Acting Chairman David Matanane** – No it won't happen that way. What I'm worried about is if we do terminate right now and with no muscle into our claim because we have already terminated it would be weakened. You think so Ms. you know I want (interrupted).

**Commissioner Pascual Sablan** – Can we use another analogy? If you're my tenant and you're doing a destruction on my property my house I chase you out that doesn't mean that because you're out that I cannot go after you for all the damage you know you have done. So that is one, another thing before I take position can we give the guy, can we hear from him or?

**Acting Chairman David Matanane** – Yeah yes go ahead mister the floor is yours.

**Vincent Ibanez** – Okay well in regards to this stuff I mentioned before the lease was given to me from my uncle. What was going on with this property was I wasn't, I'm in violation yes correct. I left the property without doing anything to it. Basically it's up in Dededo or Barrigada I mean Dededo and Yigo and I'm staying in Toto. You know my grandparents were sick like we had family issues there was no one living on the property. So all these stuff that were happening this was happening with not even my knowledge at this time. And

its funny how you guys sit down here and you guys already have all these statements saying different companies that are saying that it's pointing back at me. I have not heard anything about it since. Whatever investigation you guys are doing you know basically we're just communicating with each other here saying why didn't you report it. That was my, I made that mistake by not reporting it, correct. When we saw a lot of these things that started to happen that's when I had someone live there because we needed someone to occupy the property so these stuff like this won't happen anymore. You know we had a water line in there we had power lines that were basically there and it was getting ripped off. So that's where I'm at today that's why I'm here. You know if I'm guilty of whatever is going on with me involved in selling soil show me proof. Show me what receipts that I've sold to Smithbridge or the other companies that I'm just hearing now, new developments I guess whatever you guys have or saying that these guys I think you mentioned the name Mr. Pangelinan you know I haven't heard this is new to me. I'm sitting down here and staring across you guys pretty much you guys have your set plan of what's going on I don't I mean that's all I know. I mean I'm in violation. I did leave the property unoccupied. I haven't done nothing to it for I mean three, four years.

**Acting Chairman David Matanane** – But let me ask you do you know who sold the soil?

**Vincent Ibanez** – I do not know who sold the soil.

**Acting Chairman David Matanane** – So you weren't aware.

**Vincent Ibanez** – I wasn't aware I mean (interrupted).

**Acting Chairman David Matanane** – You weren't up there at the place.

**Vincent Ibanez** – I wasn't up there.

**Acting Chairman David Matanane** – Who's up there?

**Vincent Ibanez** – Right now I have a guy name Michael Salas living there. I authorized him to stay there. I'm in violation of that yes.

**Administrative Director Michael Borja** – When did you allow him to begin staying there?

**Vincent Ibanez** - I allowed him to stay up there January or February no not even, shoot August maybe.

**Commissioner Amanda Santos** – This year or last year?

**Vincent Ibanez** – This year after all of this we started finding out what's going on.

**Vice-Chairman Joseph Cruz** – August of last year.

**Vincent Ibanez** – No this year I'm sorry.

**Administrative Director Michael Borja** – This is July.

**Vincent Ibanez** – July of this year I'm sorry.

**Administrative Director Michael Borja** – He started staying there July of this year? Mr. Ibanez had told us that he began to stay there (interrupted).

**Vincent Ibanez** – Well I take that back let me give you the date it's in March because my grandmother passed away in February so that's how we were you know trying to think about what we're going to do with this property.

**Administrative Director Michael Borja** – Which all coincides with the fact that at a period of time he allowed this individual to be staying on the property when he wasn't authorized to be there coincides with the photographs that are dated that showed when the land began to be taken out as well as the contracts when the contracts were made to begin the removal of the soil. So you know while they're all circumstantial they still point to the fact that there was something going on all conclusive at the same time possibly to (inaudible) supervise all the activity. Or you had an individual he had allowed to stay on the property who through his own wit decided he would take the soil for himself. Nevertheless Mr. Ibanez is responsible for the care of the land that he had been leased which belongs to the Trust and the removal of this significant amount of soil and a very pristine kind of soil is wrong. And I highly recommend that the Commissioners take action so we may proceed to notifying him formally both he and Mr. Gordon Ibanez through formal notification that there will be a hearing that will be provided in accordance with the Administrative Adjudication Law and in which case; and that hearing by the way is conducted by an Attorney who is not our Attorney and they will make the determination on the final process of whether the individual lease should be terminated.

**Vice-Chairman Joseph Cruz** – Do you know Pangelinan? Do you know this Eric Pangelinan?

**Vincent Ibanez** – Yes I do. Now that you said his name yes I do. This guy is (interrupted).

**Vice-Chairman Joseph Cruz** – He stated that you got paid for it.

**Vincent Ibanez** – I didn't get paid for nothing.

**Vice-Chairman Joseph Cruz** – I'm just reading the a (didn't finish).

**Vincent Ibanez** - I think this guy should get charged with whatever is going on because I didn't even know he was involved to tell you the truth.

**Acting Chairman David Matanane** – The only person you allowed to be in that property is?

**Vincent Ibanez** – Michael Salas.

**Vice-Chairman Joseph Cruz** – Michael Salas.

**Acting Chairman David Matanane** – What is Mr. Salas with you? Are you related to him or just best friends?

**Vincent Ibanez** – He's a good friend of mine he's actually my Pari.

**Acting Chairman David Matanane** – And you allowed him to stay there as?

**Vincent Ibanez** – Just to take care of the property and you know try to clean it up as much as we can.

**Administrative Director Michael Borja** – And if Mr. Salas' version of cleaning up the property after living there since March is to assemble stacks and stacks of bags of trash on the property then Mr. Salas is definitely not a good steward of the land.

**Vincent Ibanez** – Sir you got to understand also that this property was like I said we left it unoccupied for years I mean there is significant trash of course that probably was even illegal dumping in the property that was going on that we (interrupted).

**Administrative Director Michael Borja** – All the more reason why Mr. Ibanez has failed to secure the premises in which he has been provided and has allowed this to occur on a large tract of land which is showing no use at all except abuse.

**Commissioner Amanda Santos** – How big is the land?

**Administrative Director Michael Borja** – Eight acres.

**Vice-Chairman Joseph Cruz** – Eight acres.

**Vincent Ibanez** – I mean if you guys give me a chance an opportunity to change this the way that the property looks right now I can do it. It's just (interrupted).

**Administrative Director Michael Borja** – You're going to bring back all the soil.

**Vincent Ibanez** – I can't bring back the soil I don't know (interrupted).

**Administrative Director Michael Borja** – Well then I don't think you can talk about bringing it back to what it was.

**Vincent Ibanez** – Why don't this Mr. Pangelinan bring back the soil because I guess that's you have the information already.

**Administrative Director Michael Borja** – You know what it was your lease.

**Vincent Ibanez** – Okay.

**Administrative Director Michael Borja** – I don't know if we'll ever see the soil back. This land doesn't belong to me, this land does not belong to you, this land belongs to the Chamorro people of Guam and is placed in a Trust for us in which we gave you a lease to use the land. And this is what you came up with and this is not a game in which we're telling you to come here so that we can present something that we found.

**Vincent Ibanez** – Sir I don't think this is a game.

**Administrative Director Michael Borja** – Then you need to understand and take this seriously which you have not been taking seriously in ensuring that this land is used the way it's supposed to have been used.

**Acting Chairman David Matanane** – Okay I guess Commissioners based on what we got here and Mr. Ibanez you came in to find out what's going on.

**Vincent Ibanez** – Yes.

**Acting Chairman David Matanane** – That's the reason why you're here but you weren't aware of any of this stuff?

**Vincent Ibanez** – No I knew there was an investigation going on but I haven't heard anything about it you know and (interrupted).

**Administrative Director Michael Borja** – We spoke to Mr. Ibanez and he had as much information as we're providing now when we spoke to him about this and gave him written notification that his appearance today was necessary.

**Acting Chairman David Matanane** – And you were made aware that there's something going on up at the property that you were entrusted on.

**Vincent Ibanez** – Yes.

**Acting Chairman David Matanane** – And were you told that the soil has been extracted from that piece of property?

**Vincent Ibanez** – From Land Trust from the Commission, yes.

**Acting Chairman David Matanane** – And you took effort to find out what's going on with the person that you entrusted on the property?

**Vincent Ibanez** – I tried to find out it was already done before he had been there.

**Acting Chairman David Matanane** – But did you talk to him and say how did that happen?

**Vincent Ibanez** – I did speak to him and of course the answer is not involved or I don't know what's going on you know.

**Administrative Director Michael Borja** – And if that is a real credible answer then I don't know what kind of friend Mr. Ibanez keeps to watch a property that has had vandalism ongoing and that he can have as many as two hundred dump trucks pass through that with dirt and he's living there and he doesn't know what's happening. That has no credibility.

**Acting Chairman David Matanane** – Well Commissioners it's really up to you guys if we're going to go through the action of the Adjudication Act and also of course the termination of the lease.

**Vice-Chairman Joseph Cruz** – I move to terminate the lease with the condition that we follow up with EPA and Public Works for any citation that was given to other contractors or anybody involved with this extraction.

**Commissioner Pascual Sablan** – I second it.

**Acting Chairman David Matanane** – Show of hands to approve the termination of the lease. Okay it's unanimous (MOTION PASSED). We will have to take action on this Mr. Ibanez and this (interrupted).

**Administrative Director Michael Borja** – The next course would be that you will receive formal notification both you and Mr. Gordon Ibanez will receive formal notification that you will be entitled to a hearing on this process in accordance with the Administrative Adjudication Law. That letter you will receive will have all the instructions in which you need to respond with the time period in which you need to respond and then you will have the right to be represented by an attorney and do know that this is a formal hearing which does hold up for law okay.

**Acting Chairman David Matanane** – Thank you for coming here Mr. Ibanez.

## **2. Jose Navaro Bautista – Application status**

**Administrative Director Michael Borja** – Mr. Jose Bautista occupies about a half acre of land on Lot 5219 in Barrigada Heights right near the Mobil gas station area. His application date is on April 2000, his lease is an agricultural lease actually he doesn't even have the lease. His status is I'm sorry he doesn't have a lease and his status is in active. He does not have a lease right? He still does not have a lease. He had been given a couple of authorizations to conduct a survey. He finally came up with a survey but when he had been given authorization to use this land after he received the authorization they apparently were already occupying it but not knowing what a half an acre size was had begun to use the property in a more expanded way. And so when he was asked to do the sketch of the property to make up a half an acre what the architect Mr. Castro did was try to come up with, he came up with three different schemes. The first two schemes A and B were to try and cover up, I'm sorry B and C were to use up about half an acre of property. You can see

their shapes are really odd there's a peninsula going in and that's so they can try and get the sizeable part of the lot to include both the house and some mango trees. However there is a fence line that was installed and inside that fence line is property that belongs to Mr. Bautista and includes chicken coops. But he would need a larger bit of land to be able to accommodate this. I had met with Mr. Bautista earlier this month to go over this and I want to help the man I mean he's got an issue here where he really needs more space on his property but I had asked him to also provide a farm plan to justify what we believe would be three-fourths of an acre in size. Three fourths an acre in size and that's what you see in this thing that was provided. Also my recommendation was that if we did do a lot for him that I wanted it to be with as few survey points as possible. That we make it as much into a rectangle as we can which will mean he will need a bigger piece of land because I cannot use any kind of like what with these peninsulas that sliver of land up against the road is unusable. The back side of the property actually there's a gap there between a whole other set of lots so it should go all the way back up. What he's left there too is there is sliver of property that would totally be unusable.

**Acting Chairman David Matanane** – This is the gas station up here in near (interrupted).

**Administrative Director Michael Borja** – Barrigada Heights.

**Acting Chairman David Matanane** – Revenue and Tax.

**Administrative Director Michael Borja** – Yeah between Rev and Tax in Barrigada Heights in the back right here.

**Acting Chairman David Matanane** – Where Mobil there.

**Administrative Director Michael Borja** – Yeah Mobil gas station.

**Acting Chairman David Matanane** – And he's asking for an expansion?

**Administrative Director Michael Borja** – Well he's asking to try and be able to encompass his (interrupted).

**Commissioner Amanda Santos** – Five acres?

**Administrative Director Michael Borja** – No he only is authorized half an acre but we probably need to increase it but he wants to encompass as much of that fence line too as possible. But if he encompasses that fence line only there will be a sliver of property between the back side of his property and the back side of the other properties behind him which is totally useless you can't have that either. So we would have to increase the size to go from front boundary to back boundary rather than what they got set up here and try and make it into as much as a four sided rectangle as opposed to an eighteen point.

**Acting Chairman David Matanane** – Is he running the gas station?

**Administrative Director Michael Borja** – No.

**Acting Chairman David Matanane** – He's not running the gas station.

**Administrative Director Michael Borja** – He runs to the gas station to pick up his drinks.

**Acting Chairman David Matanane** – His gas but not running the gas station itself.

**Jose Bautista** – No sir I don't run it.

**Acting Chairman David Matanane** – That's why I'm curious I wonder whose property is the gas station then. That's what I question. We stop you and say hey wait a minute is the gas station Chamorro Land Trust and I think Mr. Bautista can (inaudible). No I'm sorry but to clarify that like Mr. Borja is saying I guess we need to do our map or put in we recommend that we should but all of those are proposed do you know?

**Administrative Director Michael Borja** – They're all what?

**Acting Chairman David Matanane** – Proposed, no?

**Administrative Director Michael Borja** – The other pieces of property in there?

**Acting Chairman David Matanane** – Yes.

**Administrative Director Michael Borja** – No, they're vacant on the other sides. They haven't been awarded yet right. Not they haven't been awarded and that's the problem is that we needed (interrupted).

**Acting Chairman David Matanane** – No what I mean is it was proposed for that the late Monte but is that with structures, no?

**Administrative Director Michael Borja** – No.

**Acting Chairman David Matanane** – No okay. If there's nothing there then fine.

**Administrative Director Michael Borja** – There's nothing else there. They had actually been occupying this land for quite a long time.

**Acting Chairman David Matanane** – If I recall there were some plans for it but okay go ahead Mike you should know you check and make sure that there is no proposed for that or we had put it aside for something else later on. That's all I ask and if it is (interrupted).

**Vice-Chairman Joseph Cruz** – How big is the basic lot? How big is 5219?

**Administrative Director Michael Borja** – It's a large piece of property that's up against the well there's a strip behind it that's already been subdivided. Those aren't CLTC those are private properties right? The other set on the back side.

**Margarita Borja (DLM)** – The one on the right hand side that's going up North Sabana that's part of Barrigada Heights.

**Administrative Director Michael Borja** – Yeah.

**Margarita Borja (DLM)** – Yeah that's part of Barrigada Heights that is (didn't finish).

**Administrative Director Michael Borja** – Private.

**Margarita Borja (DLM)** – Yeah.

**Vice-Chairman Joseph Cruz** – I want to know what are we creating a substandard or if we decided to select one of these schemes. You have three schemes.

**Administrative Director Michael Borja** – Yeah well this road is actually on the map itself.

**Vice-Chairman Joseph Cruz** – And that's a legal alignment.

**Administrative Director Michael Borja** – That's a legal alignment yes. There is a right of way road going in through here to access all the properties deep inside here. So my point is if we go from the road straight back to the properties behind him and make a rectangle as opposed to something that's got peninsulas, multiple points and would increase him from half an acre to probably three-fourths to one acre.

**Commissioner Pascual Sablan** – Which scheme are you (interrupted).

**Administrative Director Michael Borja** – None of them. What I want is something that looks more like this just a little bit wider and goes all the way back to here.

**Vice-Chairman Joseph Cruz** – For an acre.

**Administrative Director Michael Borja** – For under an acre it's probably going to be under an acre because these other plans where these lines end there's a gap back here there's actually another property line right here.

**Vice-Chairman Joseph Cruz** – If we could see the basic lot of this 5219 and then run it through Planning as to what is the criteria if you want it that length are we in violation doing a three to one ratio being that your frontage should not be three times bigger than your length. If you want to go that way.

**Administrative Director Michael Borja** – Well we'll try and stay whatever it is it might mean it's a little bit wider but I'm not trying to make something (interrupted).

**Vice-Chairman Joseph Cruz** – So none of these schemes have been selected yet.

**Administrative Director Michael Borja** – No this is what was proposed.

**Margarita Borja (DLM)** – We selected one scheme there.

**Vice-Chairman Joseph Cruz** – B.

**Margarita Borja (DLM)** – Yeah which was the perfect square and Mr. Bautista was advised that that was the scheme he needed to follow. That's why he's coming back today because he's recommending that he get something either a lot bigger right. He's looking at trying to (interrupted).

**Vice-Chairman Joseph Cruz** – Encompass the (interrupted).

**Margarita Borja (DLM)** – Yes.

**Administrative Director Michael Borja** – The fenced off area.

**Vice-Chairman Joseph Cruz** – How much is the fenced area? Are we looking at about an acre, acre and a half?

**Administrative Director Michael Borja** – No, no I mean this is half an acre right here.

**Vice-Chairman Joseph Cruz** – This is over half acre.

**Administrative Director Michael Borja** – No, no this square right here is just a half acre. So that's why you're looking about another half acre at least. The point we have here is we're trying to accommodate him otherwise if we give him just that part I mean there could be another lot made behind him if that was scheme B was what we would use. But because what they did while they were occupying this they fenced off that's a cyclone fence and they have some stuff back in (interrupted).

**Vice-Chairman Joseph Cruz** – So in scheme A you have a panhandle you want to retain the fence area and the mango trees. On scheme B you took the frontage with the mango and portion of the fence area plus the house. So which one is more valuable the mango or the house because your fence can always be relocated?

**Administrative Director Michael Borja** – Well the reason we select like scheme B we needed to front the road. We need the whole front we don't want panhandles because what it leaves us is that property that's up (interrupted).

**Vice-Chairman Joseph Cruz** – That's why we need to see the basic lot so that in the event that we have left over parcel we can determine and we can assign that panhandle as a public access to serve the remaining acreage of the basic lot. If we can retain the fence

area at half acre and it's sufficient for us to create another half acre in front of it he can probably lose the mango require the setback requirement for the house and that would be the boundary line and have another party or another tenant in front of that lot.

**Administrative Director Michael Borja** – Right but then you would need a panhandle to go in there.

**Vice-Chairman Joseph Cruz** – No but if the panhandle is converted to public access whatever is on the left side of this lot you can use that as a public access. Create a public access to serve the remaining lot on the back and on the side. I just want to make sure that when we cut it up we have sufficient land area for the next tenant.

**Administrative Director Michael Borja** – Yeah and I think we do they are vacant they haven't been awarded and what we need to do is clean this up so that we can begin to use. That was my whole point is there's actually I think a road that goes right over here too and that's the whole thing is I now have I could put two more lots right there because of this road that comes down this way. But in this case this lot if it just takes that whole big area I just don't want gaps and I want to go from border to border. Geez Commissioner Cruz I'm glad we have you on here to inform us of the width, length ratios.

**Acting Chairman David Matanane** – Do you have any idea of what scheme do you want? Are you the one that's running the fruit stand up there?

**Jose Bautista** - No sir that's Saap family I think originally from Talofoto this guy is from Talofoto.

**Acting Chairman David Matanane** – Because when I pass by there there's always the fruit (interrupted).

**Jose Bautista** – Yeah there is a fruit stand on the side of the road.

**Acting Chairman David Matanane** – You're not the one that's (interrupted).

**Jose Bautista** – No I'm not the one but sometimes he comes to my place and ask for you know fruits and vegetables for him to sell.

**Administrative Director Michael Borja** – She's asking for inventory.

**Commissioner Amanda Santos** – Does he have corn in his plantation?

**Administrative Director Michael Borja** – Why don't you explain what you have on your property.

**Jose Bautista** – Okay right now I have the banana trees, mango trees, mandarin, avocado and last but not least those I don't know what they call these I call it apple. Star apple but

this is the Filipino the Filipinos like this. I don't know what's the name of that. So that's what we have on the property right now. Also I want to I wanted to replant (interrupted).

**Administrative Director Michael Borja** – What's inside the fenced off area?

**Jose Bautista** – In the fence?

**Administrative Director Michael Borja** – Yeah.

**Jose Bautista** – Nothing on the back side of the fence.

**Administrative Director Michael Borja** – No, no inside your fence.

**Jose Bautista** – Those what I mentioned is those things that I have.

**Administrative Director Michael Borja** – You don't have chickens?

**Jose Bautista** – Yeah I do have chickens.

**Administrative Director Michael Borja** – Roosters?

**Jose Bautista** – Yes sir.

**Administrative Director Michael Borja** – In cages?

**Jose Bautista** – They're in cages and they're in coops.

**Administrative Director Michael Borja** – How long ago was the fence erected?

**Jose Bautista** – Oh my God that's a long time ever since probably like three months when I moved in to the property I fenced the area.

**Administrative Director Michael Borja** – What basis did you use to determine what size or how big to make the fence?

**Jose Bautista** – Okay this is how it started my brother my late brother was the one that was staying on the property before so he passed away and my sister in law passed away. I have an application for Chamorro Land Trust so I went down and I asked at the time it was Kimbo Lujan, Kimbo Lujan was the person down there. I came in and I asked him if I can occupy the place and he said yeah you can occupy because you're related to your brother. So he gave me we went out and actually we don't use surveyors it's just like pointing corners to corners you know. So I'm assuming this is my place and when I applied for survey and Mr. Borja here showed me that he's only giving me half acre of the property then that's the reason why I come up here to ask for consideration if I could have you know the bigger thing and I can have my banana plantation, my mango and all those fruit trees that I plant there inside the property.

**Administrative Director Michael Borja** – One of the reasons I asked about the trees too and I asked you to do a farm plan you know the law requires if you're not going to be actively cultivating then you at least plant and maintain not less than five, up to twenty trees per acre over a course of time. Up to twenty trees so let's say you do get an acre or even an acre and a half you know that's twenty to thirty trees you need to plant. Permanent trees and you know the fruit trees are good I don't know if the banana trees count. These have to be permanent trees you know things that don't get blown over in the typhoon. So that's the point in which we have I know you submitted this proposed farm plan I'm trying to understand what you were talking about here but regardless of whether or not you have how ever many acres you're allowed to build a house but you still got to put all the trees. And that's the point is that you need to plant. You know the trees are fine, it's perfect for having chickens underneath too because of the shade but you do need to have most of these things that you listed here the papayas are probably not considered one of them. The mansanita, the iba, the mango, the avocado definitely but it does list what kind you know what needs to be numbered that's why I'm saying up to twenty trees per acre is what's required by the fourth year. It builds up five, ten, fifteen, twenty so when your lease starts you got to get the first five trees down. If you already have five trees down you're fine. Second year you got to have another five trees and another five after that. By the time you get to your fourth year that's twenty trees and you're done and all you have to do is leave them you know so they grow. But that's what I needed for you to understand in your farm plan what you need to do. Otherwise you know if you're actively growing stuff you got a farm out there and you got all kinds of things you're growing you know even if it's a small little garden I mean that's better than not doing anything.

**Acting Chairman David Matanane** – I think you can have seedlings for coconut trees. Have you acquired any?

**Jose Bautista** – Yeah I'm collecting some of the coconut trees. Actually the reason why I wanted to replant those coconut trees because right now the rhino beetles are just killing the old trees you know. I collect all the seeds now but from the original trees you know because they're very good coconut they're big good size. So I'm collecting all those things and I'm going to start again planting as soon as I have the opportunity from you know approval from you guys.

**Acting Chairman David Matanane** – I tell you what Mr. Bautista you guys can work it out but I guess we need to get (interrupted).

**Vice-Chairman Joseph Cruz** – No, no as long as the Director has that recommendation from Planning and that we can accommodate other tenants next to him in the event that we limit it to three-quarter. That's my concern.

**Administrative Director Michael Borja** – Limit it to three-quarter acre no more?

**Vice-Chairman Joseph Cruz** – That's what you're recommending.

**Administrative Director Michael Borja** – Yeah because I was thinking three-quarter but you know it may be I mean all I want to do is to go from point to point and I want to make it simple.

**Commissioner Amanda Santos** – You're going to give him more land to plant?

**Administrative Director Michael Borja** – Well just to be able to.

**Vice-Chairman Joseph Cruz** – The total acreage is two hectares for the R3.

**Administrative Director Michael Borja** – See this is the road coming in that you see over here this is the lot behind.

**Vice-Chairman Joseph Cruz** – This is his place right?

**Administrative Director Michael Borja** – Yeah.

**Vice-Chairman Joseph Cruz** – Okay so the basic lot for this is R3 which is 19,000 square meters that's about 2 hectare size so he's right in the middle. Is this area usable behind the fence?

**Jose Bautista** – Excuse me the Duenas family is staying there right next to the edge of my if you're looking at it right now (interrupted).

**Vice-Chairman Joseph Cruz** – Your fence, the edge of your fence?

**Jose Bautista** – Yeah in the back side. You see the fence the big fence there on the back side on my right hand side a Duenas and Mesa and then Saap on my front.

**Vice-Chairman Joseph Cruz** – So this tin house is the same as the semi-concrete on your scheme.

**Jose Bautista** – Yes sir.

**Vice-Chairman Joseph Cruz** – You didn't relocate it when you converted it to semi?

**Jose Bautista** – No, no sir I built that myself yeah.

**Vice-Chairman Joseph Cruz** – Okay since this is the basic lot whatever length that we're going to provide him because this is going to be kind of a whole lot in here. So what we want to do is try and get a subdivision or proposed parceling for this R3 considering his building being in place and if he's going to take the remainder of the fence it all depends how far back that fence to this lot line.

**Administrative Director Michael Borja** – Yeah there's a gap the fence goes somewhere around up here. That's why I'm saying I don't want the lot line to end right there because what am I going to do with that. There's nothing you can't do anything with it.

**Commissioner Pascual Sablan** – I think Mr. Bautista is more concerned of his chicken cage.

**Vice-Chairman Joseph Cruz** – Than the house.

**Administrative Director Michael Borja** – This is what we're looking at we're looking at something like this.

**Vice-Chairman Joseph Cruz** – Yes it's no different than this. But like I said if this is only 36 meters that's about 120 feet by 69 meters which is 200 so if we're coming in at one acre or a quarter acre you're going to be very narrow because this is longer than this. So that's where you're going to have a three to one ration issue.

**Commissioner Pascual Sablan** – Which he has to go through the Territorial (interrupted).

**Vice-Chairman Joseph Cruz** – Before they get the map approval yeah. So if we were to provide him the frontage he would have to lose the fence on the back and require him to get a 10 feet setback from this building being this is going to be a rear setback for him if this is to be front to save the mango and the house. And then you can assign somebody else here by creating a panhandle or a public access for this lot and this lot if we get to subdivide the whole basic of R3.

**Administrative Director Michael Borja** – Okay let me work with survey and the planning people to figure what we can do to break this up.

**Vice-Chairman Joseph Cruz** – Yeah we'll approve it for three-quarter provided you meet the survey and planning issues.

**Administrative Director Michael Borja** – Okay.

**Commissioner Amanda Santos** – Three-quarter of an acre?

**Vice-Chairman Joseph Cruz** – That's what was recommended.

**Commissioner Pascual Sablan** – One thing I can't really understand is the size of the lots does not fit his occupied use, what does that mean?

**Administrative Director Michael Borja** – That means what you see here is he's occupying something greater than what he's authorized to use. This is what he's occupying right here and he's only allowed this but he's occupying something much larger. He needs something bigger probably if you just do it to no more than one acre just in case I have to adjust whatever width just remove the length.

**Vice-Chairman Joseph Cruz** – Sure.

**Administrative Director Michael Borja** – Then we can work this out okay.

**Vice-Chairman Joseph Cruz** – Just make sure we don't have damaged remainder of (interrupted).

**Administrative Director Michael Borja** – Oh no yeah I don't want I want to make sure we got (interrupted).

**Vice-Chairman Joseph Cruz** – Because I might be coming in for an application I'll be your neighbor.

**Acting Chairman David Matanane** – I guess we can accept.

**Vice-Chairman Joseph Cruz** – I move to approve the request and recommendation for Mr. Bautista with the condition recommended by Planning and Survey Division.

**Commissioner Amanda Santos** – I second it.

**Acting Chairman David Matanane** – Show of hands for approval of Mr. Bautista's request. Majority okay. It has been moved and accepted.

**Administrative Director Michael Borja** – Well work on that.

**Jose Bautista** – Thank you.

**Acting Chairman David Matanane** – Work it out with Mr. Borja thank you.

### **3. James and Lyann Iglesias – Application status**

**Margarita Borja (DLM)** – Mr. Iglesias called he won't be making it today he has a (interrupted).

**Administrative Director Michael Borja** – On the issue of Mr. Iglesias, Mr. Iglesias can go to everybody else but come to the Commissioners where it really matters for him to discuss his issues. He has brought this matter up before members of this Legislature and I think even in Adelup. Doesn't want to talk to me although I set the appointment and didn't want to come even though we had it set up. His issue and he was riled about it is that why and he's demanding oversight hearings why is the Chamorro Land Trust still working on 1995 leases and he's been waiting since 2006. He's been informed that you know more than over 90% of all our applicants came from the week of signup in 1995.

**Acting Chairman David Matanane** – Yeah that's the bulk of it.

**Administrative Director Michael Borja** – So we're still processing through that and that's why you know once we get passed that it'll be much quicker. So that's what he just wanted to know is why his application is taking so long. He's been informed why by a number of different people and so I think he's content but apparently has some other kind of meeting that he needed to attend today. So that's the gist of that.

**Commissioner Amanda Santos** – When did he apply 95?

**Administrative Director Michael Borja** – No in 2006.

## **VII. DIRECTOR'S REPORT**

### **1. 2014 Audit Report**

**Acting Chairman David Matanane** – I'd like to make a comment I saw the, I even stayed up late to watch it twice.

**Administrative Director Michael Borja** – Me too.

**Acting Chairman David Matanane** - I start analyzing and well taken care of I knew I can depend on Mr. Borja and all that Legislature and Mr. Sablan I saw you on TV too.

**Administrative Director Michael Borja** – As you saw on the television too that ten Senators sat on that hearing so that's pretty good. So it was good to hear that they were all there and Speaker Wonpat is you know pretty ardent about land and the issue of land constantly being taken out of the inventory to which I had to tell her I don't authorize transfers. But that was good to see and it won't go before they go into session until August. What's going to happen in August because of the budget that hearing that session in August is going to be the vote on the budget so you can imagine it's going to take a significant amount of time. So I think the Senators are all being limited on the number of bills that they can have voted on just because they need to watch the amount of time they need to speak or the amount of time they can have to discuss. There will probably be a couple of minor changes that will be made you know in accordance with Mr. Sablan's idea too. But it's not going to be anything that's going to be an impact and significant and I've been working closely with Senator Tom Ada and with his staffer his main advisor now is Joe Borja and he's well versed on all the activities here. He said watch out for that Commissioner Cruz, just kidding. But I'm happy to see how that's moving along. I am working on another set of rules and regs that will be coming this way. Hopefully I can convince them instead of us going through the Triple A process just introduce it as a bill. This one would have to do with the Home Loan Guaranty Program. We have a policy and procedures that we established in January we voted on in January but we have to make that into rules and regs. This will most likely help close out some of the things that have been brought up. You all have a copy now of the 2014 audit report that came out. There were five findings of which they're almost all the same and it's a good thing that they have these things. I don't have a problem with our findings whatsoever because it's not out of negligence or neglect that we have these findings but just you know some of the issues that we've been having to painstakingly take. On the accounting system we have the accounting system now up and running on Quikbooks and you'll now begin to see some

stuff coming from there. It's just that the accounting system is and our Administrative folk over there Mr. Cruz the other Joseph Cruz has been putting together this thing very, very, doing a lot of work on it. So you'll start to see some financial stuff coming from there. So that's the first one that's taken care of and you know in this whole accounting system too we're looking and we've already begun the discussions to try and move towards some other kinds of databases because the accounting system is more than just knowing who paid their rent. This is to know who also paid their taxes, what have they been charged, what have they paid and we're going to have to go and do everything with the tax id number. What we have found is that the tax id number that Rev and Tax uses for assigning property taxes to land is created by us by Land Management. We call it parcel id, they call it tax id and it's going to become a main stay if I had my way. It's the social security number to the lot name and that's what I want to make sure because it is a legal identifier.

**Acting Chairman David Matanane** – And those documents you're going to need some sort of confidential because of the social security number.

**Administrative Director Michael Borja** – Well I mean it's not a social security number it is the serial number for the land. The lot is the name but the parcel id is like a serial number for the land. On finding number two, collection and monitoring of accounts receivables, again we believe most of this will be well taken care of as we begin the process of using the accounting system. What we also have in here is that we actually need to have two people taking care of this. One person does the input the other person does the analysis. It can't be the same person and obviously I need to have extra people to do this. It's good that they're pointing out that I need these people and this is really helpful.

**Acting Chairman David Matanane** – And you need a person on the receivable side.

**Administrative Director Michael Borja** – Yeah. Well what we're looking to do is actually have a program a financial management and a property management group of people. These are going to be the folks who do all the you know the (interrupted).

**Acting Chairman David Matanane** – Check with HR over there and see if there's any type of position which relates to that particular.

**Administrative Director Michael Borja** – Well we're going to create some. We're going to be changing some of our positions that are unfunded and get them funded. I've already begun the discussions and we're getting more additional people on my next budget. We just hired on two new people that just got started. They got their notification this week. Remember Karen Charfauros she used to come to our meetings, she and one other individual named John Gumataotao from Rev and Tax Property Tax Division so that would be really, really useful.

**Vice-Chairman Joseph Cruz** – What position?

**Administrative Director Michael Borja** – They're just Land Agent I. It took us since last October to get this. So they'll get started up here soon to help us get moving on some of

these stuff. On finding number three, coral extraction royalties, this is the business of ensuring that what is being taken out of the racetrack is proper. So we're going to be working on this. Mr. Joey Cruz has got some brilliant ideas.

**Acting Chairman David Matanane** – And we need to count the trucks that went out.

**Administrative Director Michael Borja** – We just have to bring him lunch. On the loan guaranty program, finding number four, you probably saw on Friday last Friday and this Monday if you get the Marianas Variety we published a listing and we're down less than four hundred thousand dollars on the people that came in so that helped out a lot. I also have a meeting tomorrow morning with Mr. Ken Lujan from SBA because he's probably getting inundated so he's probably going to want to find out what's happening and why we're doing this. But you know it all comes down to this thing and like I said the rules and regs that I'm writing is to ensure that we have a more formal process because when it comes to the adjudication of it the rules are more you know have more binding when you have to take any action against someone. On finding number five, rental lease agreement, this has been ongoing this is the fact and this is just a general accounting thing just because we didn't have a separate lease specifically for the Chamorro Land Trust when they moved their offices over here under the consolidation. So it's been done so it's cleaned up. So really these are all nothing that's going to be earth shattering but we're well on the way to getting everything done. We have not been able to conclude before this report was done the actual land valuation based on the last tax valuations. That's still underway. We have to still approve a stack of maps which they're going painstakingly going through to ensure that they are all correct and once that's done then Rev and Tax will have all that data. But we're able to share the data electronically with them so that they can update their systems and get moving on.

**Acting Chairman David Matanane** – Do we have a man to take care of those computer stuff that transpose back and forth from Rev and Tax to Land Management or Chamorro Land Trust.

**Administrative Director Michael Borja** – That's Mr. Joey Cruz's (inaudible).

**Acting Chairman David Matanane** – That's your baby?

**Administrative Director Michael Borja** – Yeah so he can't go sick. That's what we're trying to do I was telling you we're trying to create this database that can provide all that stuff so that we can merge the information quickly with Rev and Tax. We provide them with the tax id number boom we got the information, we merge it all together and somebody doesn't have to sit there and trying to figure thousands of (interrupted).

**Acting Chairman David Matanane** – Make sure that we have security on those things.

**Administrative Director Michael Borja** – Oh yeah. But it's almost going to be incorporated into all digital format too. So we've already seen some previews of what this

potentially was what was going to be used and it was all something created for the purpose of the tax assessment. So it's very visual it's really interesting.

**Acting Chairman David Matanane** – Who's the outfit that's really doing the (interrupted).

**Administrative Director Michael Borja** – Tax valuations?

**Acting Chairman David Matanane** – Yeah.

**Administrative Director Michael Borja** – Cornerstone Valuations.

**Acting Chairman David Matanane** – Off-island outfit?

**Administrative Director Michael Borja** – No, no, no, no she's local. Sisca used to work for Nick Captain so when Nick Captain was making all these comments about why he thinks the tax valuations was flawed was because that was his former employee.

**Vice-Chairman Joseph Cruz** – On these findings they mentioned several positions that are recommended right or considered. They indicated that a Land Agent Supervisor, a Program Coordinator IV, so is this one position for all these findings or how are these positions going to affect the (interrupted).

**Administrative Director Michael Borja** – It's obviously I probably can't them all in total right but it's something I'm going to work on. What we're going to do in some cases like the financial side of the house I don't really have I mean there may be a bookkeeper position in there of some kind. But we're going to go back and reevaluate all the positions within the CLTC and Land Management and if we need to we'll just take those unfunded positions and re-identify (interrupted).

**Vice-Chairman Joseph Cruz** – I know you can consider also the commercial lease rules and regulations. You need manpower for that, all the guidelines that we're coming up with.

**Administrative Director Michael Borja** – Yeah.

**Vice-Chairman Joseph Cruz** – Because I recall Land Management used to have a hundred some employees.

**Administrative Director Michael Borja** – A hundred and fifty.

**Vice-Chairman Joseph Cruz** – And now we're just sixty.

**Administrative Director Michael Borja** – Exactly and that's you know what's going to end up happening is because Land Trust is the revenue source there's going to be a lot of things that are going to be funded in fact most of these positions we're getting now are funded through Chamorro Land Trust because it is going to become even more important. As I said in my testimony the other day the value of all our lands potentially may be once

they're all done upwards to seven hundred million dollars. So you got to protect those assets and it has to be done right.

**Vice-Chairman Joseph Cruz** – You got to have people.

**Administrative Director Michael Borja** – I don't need to have too many people I think we can get a bunch of stuff, my biggest concern to have people is for the compliance and enforcement side. The compliance and enforcement is big. We catch things that are going to, you're going to see more people next month. We're going to bring you people next month to talk about their leases because they're subleasing and we know it.

**Vice-Chairman Joseph Cruz** – So what is the department doing before they even come in and present their case?

**Administrative Director Michael Borja** – We talk to them.

**Vice-Chairman Joseph Cruz** – Like for example the department should have given them a letter of caution, a letter of violation, a letter of this, a letter of that so that when we get to the Board we already have those resources that they were given. Right now like for Ibanez (interrupted).

**Administrative Director Michael Borja** – Well in this individual I don't think a letter of warning is efficient.

**Vice-Chairman Joseph Cruz** – No I mean I'm just using that as an example.

**Administrative Director Michael Borja** – We do we have in some we've given them warnings and told them to straighten up or else we'll bring you in again but that's what we are going to be doing. But there are some that are going to be significant where we know that they're in major violation. In the many cases we're not going to be bringing them in here to terminate their lease but just to let them have your, let them hear from the Commission that this is an issue. Because really the biggest way I think to ensure compliance and enforcement is once word gets out that we're doing this stuff and they have to come here and get scolded they're going to tell everyone else don't do this.

**Vice-Chairman Joseph Cruz** – Because the impact of all those violations they're not paying tax.

**Administrative Director Michael Borja** – Exactly.

**Vice-Chairman Joseph Cruz** – And we're not getting any revenue at all.

**Administrative Director Michael Borja** – That's the reason why we need to ensure our property taxes are paid because that's going to be a major income source for the Land Trust.

**Acting Chairman David Matanane** – That's why it's very important the agents that go out in the field their report should be you know (inaudible).

**Vice-Chairman Joseph Cruz** – I was reading the minutes about the eviction and instead of evicting the client they evicted our agent.

**Commissioner Amanda Santos** – Who?

**Vice-Chairman Joseph Cruz** – The Palauans.

**Administrative Director Michael Borja** – Oh yeah.

**Vice-Chairman Joseph Cruz** – That shouldn't be the case.

**Administrative Director Michael Borja** – There are some people that are all afraid to go deal with the Palauans.

**Commissioner Amanda Santos** – So who got evicted the Palauans?

**Administrative Director Michael Borja** – The agent.

**Commissioner Pascual Sablan** – I think that was during the Bordallo Administration the first Administration that allow the Palauans to stay up at Pagat.

**Vice-Chairman Joseph Cruz** – It doesn't matter what Administration we have the book we have the Act.

**Commissioner Pascual Sablan** – But they start building permanent homes you know.

**Vice-Chairman Joseph Cruz** – Yeah but even if the building is permanent there's no permit it's still in violation.

**Administrative Director Michael Borja** – You know but what the law does allow and this is where I have to deal with this is above us this is really in the political side of the house but what the law does say is that people who have been preexisting prior to the Chamorro Land Trust we have to accommodate them.

**Vice-Chairman Joseph Cruz** – But who has the proof of burden for that us?

**Administrative Director Michael Borja** – No them.

**Vice-Chairman Joseph Cruz** – And if they don't provide that?

**Administrative Director Michael Borja** – They just have to get it from the Mayor's Office but what we're looking into is to find out whether or not using some of the Google Earth for example that information I got you can look at the history on Google Earth. Let's go back

as far as we like but you know if someone comes in and says well I've been there since 1990 and you go back and you look at 90 and the year 2000 it's still empty.

**Vice-Chairman Joseph Cruz** – The aerial photos is every ten years.

**Administrative Director Michael Borja** – Huh?

**Vice-Chairman Joseph Cruz** – Aerial photo of the whole island.

**Administrative Director Michael Borja** – No, no, no it's not.

**Vice-Chairman Joseph Cruz** – No I know but back then you can trace that back before the Google.

**Administrative Director Michael Borja** – Yeah.

**Vice-Chairman Joseph Cruz** – Because those are your seniority source for (inaudible) study.

**Commissioner Pascual Sablan** – I think we're out of order but do you folks ever notice at nighttime there is a satellite up at the south part of Guam?

**Administrative Director Michael Borja** – That's called Venus.

**Commissioner Pascual Sablan** – No.

**Vice-Chairman Joseph Cruz** – How many six pack did you drink?

**Commissioner Pascual Sablan** – I don't drink.

**Acting Chairman David Matanane** – Pluto, pluto I think.

**Commissioner Pascual Sablan** – Look up at the sky.

**Administrative Director Michael Borja** – There's Venus and Jupiter they were together. No, no they are they are in the evening sky and then they set before 9 or 10 o'clock by 10 or 11 they set. Right now it's amazing because I watch these things, Venus is the closest to Earth as it goes around the sun but what you're seeing out of Venus you're only seeing a crescent that's how bright that (interrupted).

**Vice-Chairman Joseph Cruz** – Yeah my grandson calls it moon.

**Administrative Director Michael Borja** – It's bright and they came together, they came together.

**Commissioner Pascual Sablan** – You know a Real Estate Agent came to my house four times. The last time they said that my house was picked up by a satellite and they have to measure the house of course double the real estate tax. I said that house over there the extension is bigger than the main house. That house over there was built and there's no permit. They don't listen to me they walk away the next thing I know my bill is doubled. Believe me it's the truth.

**Administrative Director Michael Borja** – Make sure you have the manamko and the property tax exemption for your main home and your senior citizen and you come out to zero.

## **2. Revenue collection report for the month of June 2015**

**Acting Chairman David Matanane** – Only one comment on the income by customer submitted, our cutoff date is July or is it June?

**Administrative Director Michael Borja** – Our cutoff date for what?

**Acting Chairman David Matanane** – On this income by customer summary, October to September. Shouldn't our cutoff date be June 30?

**Vice-Chairman Joseph Cruz** – Its fiscal year.

**Administrative Director Michael Borja** – No, no, no we're fiscal year ending in September 30. It begins October 1 ends September 30.

**Acting Chairman David Matanane** – Yeah but we're still in July right?

**Vice-Chairman Joseph Cruz** – Yes.

**Acting Chairman David Matanane** – So that's why we don't have any on August and September that we have (interrupted).

**Administrative Director Michael Borja** – This is just a collection what we've collected from these people.

**Acting Chairman David Matanane** – I hate to see the zero when it comes to that collection.

**Commissioner Pascual Sablan** – How come the Palauan Community Association paid only a hundred dollars?

**Administrative Director Michael Borja** – The Palauan Community Association of Guam by law there is a tract of land over in Dededo behind Wettengel that's for the different cultural nonprofits. And right now we got two Palauan Communities one that's there another one is coming and potentially another one or two Korean.

**Matthew Leon Guerrero (DLM)** – The hundred dollars is just the application fee.

**Administrative Director Michael Borja** – The hundred dollar is with the application fee?

**Matthew Leon Guerrero (DLM)** – That's what they're paying just to apply for it.

**Administrative Director Michael Borja** – And they don't pay any rent?

**Matthew Leon Guerrero (DLM)** – Yes they do after the lease.

**Administrative Director Michael Borja** – We just got that Palauan one it has to go through the Legislature for approval. So once we do all the processing and do all the signing of the leases and stuff then it is still is not in active until the Legislature does a bill to approve it.

**Commissioner Pascual Sablan** – Do we have a say so as a Commission as to who to give?

**Administrative Director Michael Borja** – No this doesn't have anything to do with Chamorro Land Trust although we manage it.

**Vice-Chairman Joseph Cruz** – They subdivided that place for all kinds of associations. Even the VA the VA has a lot up there.

**Administrative Director Michael Borja** – Yeah any nonprofit. The VFW is supposed to have a space up there too but they decided to go to Agat. It's kind of odd to get back there. What is that area called again?

**Margarita Borja (DLM)** – Lada.

**Vice-Chairman Joseph Cruz** – Maybe the housing is done.

**Administrative Director Michael Borja** – Oh you see those Lada the senior, oh it's nice very nice.

**Commissioner Pascual Sablan** – Who owns that Lada, Chamorro Land Trust?

**Margarita Borja (DLM)** – Guam Housing.

**Administrative Director Michael Borja** – But it's built and managed by Coretech.

**Commissioner Pascual Sablan** – You see today's paper about Guam Housing that some of their tenants haven't paid for one year.

**Vice-Chairman Joseph Cruz** – Rent free. Are we going to be getting a report from those model homes?

**Administrative Director Michael Borja** – Yeah because the construction (interrupted).

**Vice-Chairman Joseph Cruz** – At least the status of where (interrupted).

**Administrative Director Michael Borja** – Yeah okay I will because the construction is really super delayed.

**Commissioner Pascual Sablan** – One quick thing like Iglesias that I think went to the Governor and went to the Legislature things like this let us not put him on the agenda until you know write us a letter then we'll review then maybe that's the time.

**Vice-Chairman Joseph Cruz** – This is just a heads up just tell him thank you.

**Commissioner Pascual Sablan** – We want to show him too that we just don't entertain people like that attitude.

**VIII. EXECUTIVE SESSION** – None.

**IX. ADJOURNMENT**

Commissioner Pascual Sablan moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 2:40pm.

Transcribed by: Teresa Topasna, WPSII: *Teresa Topasna*

Approved by Board motion in meeting of: *August 20, 2015*

Michael J.B. Borja, Administrative Director: *Michael J.B. Borja*

David Matanane, Acting Chairman: *David Matanane*

Date: *8/20/15*

Date: *8/20/15*